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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Continuation of PTO-303

1. Applicant argues United States Patent 7,079,508 B2 to Ayyagari et al (hereinafter "Ayyagari") fails to disclose "receiving in the wired network at least one information frame from at least the at least one mobile terminal user in said wireless LAN" and "determining a QoS level/service level for the received at least one information frame" (Remarks, page 7). Examiner respectfully disagrees.

The claim has been interpreted as such: in order to have access between a wireless network and a wired network an *association* must be in place between said wireless network and wired network. In Ayyagari, an access point makes the association between a wired network and a wireless network, at least described in Figure 2, represented by access point, 200. The claim only allows for any information frame to be routed through the wired network, not the one at least information frame. Ayyagari discloses **the wired network having different paths for carrying *information frames* received from at least one mobile terminal user** (Ayyagari: Figure 2 and corresponding description in Col. 9, line 17 through Col. 10, line 11; mobile devices 210, 215, and 220 are routed from access point, 200 to router, 235, and then further routed to servers, databases, or receiving node.).

Applicant argues the combination can not facilitate the steps of the method claim in that an extension of use and processing in the wired network ignores and frustrates the teachings of Ayyagari with any combination thereof (Remarks, pages 7-8). Examiner respectfully disagrees. Ayyagari discloses receiving and determining, wherein the act of

"determining" is interpreted to represent any act of consideration for a QoS or QoS requirement. Since an association between the wireless network and wired network may be considered at one point of the network, the act of propagating the one at least information frame may be facilitated by the combination. Thus, it is submitted, the acts of "associating" and "determining" have been given their broadest reasonable interpretations read in light of the specification. In the analysis of the claims, the claims are given the broadest reasonable interpretation consistent with the specification. See *In re Morris*, 127 F.3d 1048, 44 USPQ2d 1023 (fed. Cir. 1997). The court held that the PTO is not required, in the course of prosecution, to interpret claims in applications in the same manner as a court would interpret claims in an infringement suit. Rather, the "PTO applies to verbiage of the proposed claims the broadest reasonable meaning of the words in their ordinary usage as they would be understood by one of ordinary skill in the art, taking into account whatever enlightenment by way of definitions or otherwise that may be afforded by the written description contained in applicant's specification.". See MPEP 2111. Ayyagari only must receive a frame and determine a QoS from the frame and does not have to further propagate the frame itself, as dictated in the claim portions recited by Ayyagari.

The arguments submitted interpreting the three different packets are in contrast to the interpretation of the claims. Ayyagari discloses **receiving in the wired network at least one frame of information from the at least one mobile terminal user in said wireless LAN** (Ayyagari: Figure 2 and Col. 9, lines 17-35; access point, 200 (connected to router, 235 consistent with the wired network) receives a request for

access to a network from laptop computer, 215 (wireless device).) and **determining a QoS level/service level for the received at least one information frame** (Ayyagari: Col. 9, lines 28-35; the request (message) contains information that specifies the required QoS including bandwidth and time constraints.). United States Patent Application Publication 2004/0032868 A1 to Oda et al (hereinafter "Oda") discloses a LAN switch that recognizes an optimum path to a VLAN (Oda: [0031-0032]). Oda discloses **associating with the received at least one information frame an identifier that identifies at least one path through the wired network having a transmission capability sufficient to provide the determined QoS level/service level, wherein the identifier includes a Virtual Local Area Network (VLAN) number** (Oda: [0102-0108]); in a particular embodiment, a path monitor pings paths to determine shortest response time. The VLAN (path) with the shortest response time is determined to be the optimum path (Note: response times are synonymous with a QoS characteristic known as delay.). In [0263], Oda describes how the response time is then associated in "frame information" and then mapped to a VLAN ID to describe the optimum path.) **and routing the at least one information frame in the wired network along at least the at least one path identified by the associated identifier** (Oda: [0267]; the frame is transferred over the optimum VLAN and corresponding VLAN ID.). In response to applicant's argument that any combination would change the operating principle of the teachings of Ayyagari, the test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in any one or

all of the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981). In this case, since Ayyagari and Oda are of similar fields (path selection), it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the method of Ayyagari to include the use of VLAN IDs for optimum path selection in the case where there are a plurality of networks. This is beneficial to the method in that an optimum path may be assigned dynamically for individual frames if a fault or if a threshold of errors along a path is met or exceeded.

It is therefore submitted, considering MPEP 2143.01, section V, the claim has been given its broadest reasonable interpretation read in light of the specification permitting the determination of the QoS level as taught by Ayyagari to be modified by the act of associating an identifier as taught by Oda.

/Aung S. Moe/

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